

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**Case #04-30170-MAP**

**WESTFIELD EAST MAIN )  
STREET LLC, Plaintiff )**

**v. )**

**C. DAVID TRADER, )  
JEAN M. TRADER, )  
JOSEPH B. MITCHELL, )  
TERESA K. MITCHELL, )  
DONALD GOVE, )  
MARK D. SIEBERT, )  
BRIAN BURKE, )  
MICHAEL BRETON, )  
BRADFORD MOIR, )  
MARY MOIR, )  
INTERSTATE BUILDING )  
SUPPLY, INC., and )  
LUMBER CENTER, INC., )  
Defendants )**

**DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION TO ENFORCE  
SETTLEMENT AGREEMENT**

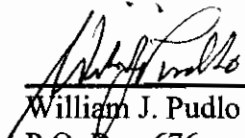
Now come the Defendants in the above captioned action, through Counsel, and oppose the Plaintiff's Motion to Enforce the Settlement Order. As grounds for this opposition the Defendants state that the final terms of the settlement agreement were set on or about July of this year. Once the final terms were set, the Plaintiff tendered, through Counsel, a form of the Agreement and Release to be executed on or about August 8, 2006 which was received on or about August 9, 2006 (Copy of cover letter attached).

On or about August 11, 2006, after review, Defendants' Counsel sent the Agreement and Release to the Defendants for execution. (Copy of cover letter attached) Due to vacation schedules and other intervening work matters, the Defendants did not all sign at one time. On September 1, 2006, the Plaintiffs filed their Motion to Enforce the Settlement.

The Settlement Agreement and Release have been signed (copies of signature pages attached), rendering the Plaintiff's Motion moot. The Defendants have never intended to renege on the Agreement as evidenced by their signatures. The Defendants have always been prepared to comply with the Settlement Agreement. Simply because it was not completed on the Plaintiff's timetable is no cause for any action by this Court.

WHEREFORE, the Defendants demand that the Plaintiff's motion be denied with prejudice.

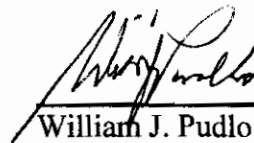
The Defendants,  
by their Attorney,

  
\_\_\_\_\_  
William J. Pudlo  
P.O. Box 676  
West Springfield, Mass. 01090  
Telephone: (413) 739-400

**Certificate of Service**

I, William J. Pudlo, hereby certify that I have served a copy of the above pleading by mailing a copy of the same, postage prepaid, to David Brown, 101 Federal Street, Boston, Massachusetts 02110.

Dated: September 7, 2006

  
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William J. Pudlo

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